

# PERSISTENT STATELESSNESS IN POST-SOVIET LATVIA AND ESTONIA

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## **ABSTRACT**

Justin Williams: Persistent Statelessness in Post-Soviet Latvia and Estonia  
(Under the direction of Erica Johnson)

Following independence from the Soviet Union, Latvia and Estonia enacted strict citizenship regimes that resulted in over a million residents holding no citizenship by late 1991. Today, the non-citizen populations number nearly 350,000. These are largely Russian-speakers who migrated to the countries during the Soviet period. I present an argument for why modern Latvia and Estonia still have such a large number of stateless residents. I look at how institutional pressure during the EU accession process and domestic politics in the post-Soviet era have influenced the statelessness issue. I argue that the failure of institutional pressure to impart a lasting concern for the non-citizens on domestic politicians means that the issue fell off the agenda following EU accession in 2004. With regards to domestic politics, I argue that the difficulty of political parties sympathetic to the non-citizen populations to influence decision-making further enabled the post-accession governments to ignore the issue.

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# 1. Introduction

When the Soviet Union collapsed, the newly independent governments in Latvia and Estonia logically replaced Soviet citizenship with Latvian and Estonian citizenship. However, in late 1991, more than 700,000 people in Latvia and roughly 480,000 in Estonia possessed no citizenship.<sup>1</sup> This was because these people, mostly Russian speakers<sup>2</sup> who migrated during the Soviet period, did not qualify for Latvian and Estonian citizenship under the “restorationist model” that had been adopted by the transitional governments in Riga and Tallinn, so called because the governments were “restoring” the structures of government that existed before World War II. This model declares the decades of Soviet rule in Latvia and Estonia to be an illegal occupation, and, following this logic, the transitional governments reinstituted the citizenship laws that existed before World War II. The citizenship policies initially enacted thus only restored the citizenship of those people who had been citizens of Latvia and Estonia before 1940, as well as their descendants. By 2013, roughly 350,000 people still lacked citizenship in the two Baltic states, representing 13% of the population in Latvia and 7% in Estonia.<sup>3</sup>

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<sup>1</sup> For Latvia - Dovile Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States* (Burlington, VT: Ashgate, 2005), 103. For Estonia – Numerical figure based on total population of roughly 1.5 million in 1992, with 32% of the population lacking citizenship in that year (<http://estonia.eu/about-estonia/society/citizenship.html>).

<sup>2</sup> I use “Russian speakers” and “Russophones” throughout this paper to refer to Russians, Belarusians, and Ukrainians. Belarusians and Ukrainians constitute 3.5% and 2.3% of the population of Latvia, and close to 80% of each group speak Russian as a first language (Central Statistical Bureau of Latvia, <http://data.csb.gov.lv/>). The Estonian census does not appear to record what language specific nationalities speak, but there are far more ethnic Belarusians and Ukrainians in the country than there are speakers of Belarusian and Ukrainian. These two Slavic groups are largely similar to their compatriots in Latvia, and we can assume they also speak Russian in large numbers. (Stat.ee, 2011 census).

<sup>3</sup> Central Statistical Bureau of Latvia, <http://data.csb.gov.lv/>; Ministry of the Interior, <http://estonia.eu/about-estonia/society/citizenship.html>.

Table 1.1: Naturalization in Estonia			
	1992	2003	2014
Citizens of Estonia	68%	81%	84.3%
Non-citizens	32%	12%	6.5%
Citizens of other countries	N/A	7%	9.2%
Source: Ministry of the Interior, <a href="http://estonia.eu/about-estonia/society/citizenship.html">http://estonia.eu/about-estonia/society/citizenship.html</a>			

Table 1.2: Naturalization in Latvia			
	1996	2000	2013
Citizens of Latvia	72.3%	74.4%	84.4%
Non-citizens	27.2%	24.4%	13.2%
Citizens of Russia	0.3%	0.8%	1.8%
Source: Central Statistical Bureau of Latvia, <a href="http://data.csb.gov.lv/">http://data.csb.gov.lv/</a>			

In the years since the collapse of the Soviet Union, both countries underwent an intensive European Union accession process where external institutional pressure had a significant role in encouraging action to reduce the large number of stateless peoples. This pressure largely came from the OSCE, the Council of Europe, and the European Union, with the EU typically deferring to recommendations made by the OSCE and Council of Europe. Since regaining independence, both countries have made largely successful transitions to multi-party democracies and market economies, transitions that included their 2004 accession to the EU. That these two former Soviet republics have made such remarkable progress in their post-communist transitions makes it all the more jarring that they possess such large populations of residents lacking citizenship, who are unable to vote in national elections.



Why is there is still such a large stateless population in Latvia and Estonia, particularly after the aforementioned accession processes? I present a two-pronged argument to explain this situation, on the one hand arguing that the absence of the external institutional pressure so prominent in the pre-accession period resulted in the loss of much of the impetus for action in reducing the non-citizen population. In the post-accession period, in order for further action to be taken to liberalize naturalization laws, change would have to emanate from domestic sources. However, in the second part of my argument, I show that this homegrown impetus has not been forthcoming. The hurdles to holding power faced by political parties that are amenable to liberalizing citizenship legislation in Riga and Tallinn has resulted in a situation where the post-accession governments have been unconcerned with reducing the stateless populations.

Considering how important institutional pressure was in shaping the citizenship debate in Latvia and Estonia during the EU accession period, it is important to analyze what lasting impact it had on domestic decision-making in the post-accession period. This is particularly true since institutional pressure in the realm of the non-citizen population has almost entirely come to a halt since accession. Of the actors who helped shaped the naturalization regime in Latvia and Estonia, only the Council of Europe remains somewhat involved in the issue, and to this extent only to facilitate reports from Riga and Tallinn on how well they are adhering to the Framework Convention on the Protection of National Minorities. What this means is that, in essence, the non-citizen population have lost their most influential lobbyists. Latvian and Estonian politicians begrudgingly accepted changes sought by the EU solely to secure accession, and, having achieved this, no longer see the non-citizen population as a pressing issue.

Concerning the domestic political process in Latvia and Estonia, I argue that the difficulty of the Russian speaking minorities to influence domestic politics through their

countries' respective parliaments in the post-accession period has ensured that Riga and Tallinn are largely unconcerned with the plight of the non-citizen population. Latvia's post-accession governments have been dominated by center-right coalitions typically involving a nationalist party, which has meant that Riga can be effectively blind to the situation regarding the non-citizen population with few political ramifications. The situation is more complicated in Estonia, where the left-leaning Center Party, which is popular among Russophones, was in a shaky coalition with pro-market parties for a couple of years in the post-accession period, but other than this brief period all post-accession governments have, as in Latvia, been of a rightward orientation. Further complicating the matter in Estonia is that the Reform Party, which campaigns on free-market economic policies, has attracted some of the Russophone vote in the past, yet has ruled in coalition with the main nationalist Estonian party in the past couple post-accession governments. As most non-citizens are Russian speakers, I also examine the failure of parties dedicated solely to issues concerning the Russophone populations to exert much of any influence on domestic politics.

In terms of existing theories, with regards to institutional pressure, my argument builds on existing literature that questions the long-term success of the EU's conditionality with regards to minority rights. Such scholarship, which I review in more detail in the next chapter, generally argues that the accession process did not result in domestic elites adopting a greater concern for the marginalized Russophone populations. In terms of domestic politics, I draw on the literature that details the difficulty in the post-Soviet period of parties supporting Russophone rights to effectively influence policy making. My argument that two mainstream parties, Harmony Center and the Center Party, represent the interests of non-citizens and Russophones in general and are best poised to revive the issue of citizenship liberalization shares similarities with the existing

literature which argues that ethnic parties can exacerbate conflict and weaken democratic consolidation.<sup>4</sup> The dismal history of Russophone parties in Estonia and Latvia, which I detail later in this paper, provides further credence to the argument that the mainstream parties currently represent the strongest voice for Russophones in each country's parliament.

The thesis proceeds as follows. I follow this introduction with a literature review that examines the theoretical position of scholars who examine how external institutional pressures influenced domestic politics, and, when relevant to my argument, other Russophone minority rights. By exploring existing arguments and identifying gaps in the existing literature, this chapter helps me develop my argument concerning the indifference to the non-citizen population within the post-accession governments in Riga and Tallinn. Two chapters follow the literature review, a case study on the situation in Latvia and another regarding Estonia. I single out particular debates in the accession process on citizenship that most succinctly prove my argument. I use these scenarios to argue how the debates indicated a general lack of concern with the non-citizen population during the accession period, and that they foreshadowed a continuing indifference in the post-accession period. I also examine the domestic political situations in each country, in particular analyzing the electoral history of parties that have attracted the greatest share of the Russophone vote.

Throughout this introduction, I have largely grouped Latvia and Estonia together for the sake of simplicity and the similarities each country share with regards to their unique situations regarding stateless residents. Both countries had similar EU accession paths, and Russian-speakers have struggled to gain influence in the political systems of each country. However, there are important differences between the two states and how institutional pressure was applied

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<sup>4</sup> John Ishiyama, "Ethnopolitical Parties and Democratic Consolidation in Post-Communist Eastern Europe," *Nationalism & Ethnic Politics* 7, no. 3 (2001).

to them, and by separating them into separate chapters, I hope to show these differences more clearly. There are also significant political differences that I have hinted at above that are better distinguished with two separate chapters.

Finally, I conclude the paper with a chapter that summarizes my argument and muses on the future of the non-citizen populations in each country.

## **2. Literature Review**

In keeping with the two-fold nature of my argument, I separate my literature review into two different sections based on the two parts of my argument, in order to better point out the scholarly themes most relevant to each pertinent part of my argument. In presenting my argument that the EU accession process did not impart on the governing elite in Riga and Tallinn a lasting concern for the non-citizen population, I draw largely on literature that analyzes the effectiveness of external institutional pressure. In arguing that the inability of Russophone-supported political parties to influence decision-making has allowed the post-accession governments to shelve the statelessness issue, I rely on a combination of examinations of the electoral systems of Latvia and Estonia as well as my own appraisal of post-accession politics.

### **2.1 Institutional Pressure**

The literature I draw on for presenting the institutional pressure portion of my argument consists largely of the scholarship that has been produced to analyze how the Baltic governments adapted to the demands of the EU and the other institutions it relied on to impose conditionality. I have tried to focus on the scholarship that concentrates specifically on institutional pressure in the realm of minority issues, as this is what is most relevant to my argument. Likely due to the unique challenge the large and abruptly disenfranchised Russophone minorities in Estonia and Latvia posed for the European institutions each country sought to join, a number of scholars have published works that focus specifically on how institutional pressure influenced minority rights in these countries. Of the literature I use for this portion of my argument, the arguments I rely on most employ the “logic of consequences” theory with regards to institutional pressure. In the context of minority rights in Estonia and Latvia, this theory purports that change sought by institutional pressure was encouraged by the reward of EU accession. Under this rationalist

thinking, the enacting of recommendations by the EU was controlled by veto players, which in the context of Estonia and Latvia were represented by the nationalist parties that spearheaded the opposition to liberalizing citizenship laws.<sup>5</sup>

I draw on Judith Kelley's *Ethnic Politics in Europe* (2004) to define what institutional pressure consisted of, as well as how it impacted particular domestic debates in the accession process. Kelley defines institutional pressure as consisting of conditionality, meaning that persuasion rests largely on the prospects of membership, and normative pressure, where external actors rely mostly on diplomatic pressure without clear incentives.<sup>6</sup> Conditionality represented the logic of consequences, while normative pressure represented the logic of appropriateness, in which external pressure hoped to impart on domestic elites a socialization of minority rights without putting accession on the line.<sup>7</sup> Throughout this thesis, I use conditionality to refer to the rationalist approach to institutional pressure, while terming normative pressure as the constructivist approach.

Kelley also outlines what organizations constitute institutional pressure, or "institutional engagement", in a manner that I largely follow throughout my thesis; the OSCE and Council of Europe provided largely normative pressure, while the EU utilized this pressure in constructing its conditionality.<sup>8</sup> *Ethnic Politics* would fall under a rationalist approach to institutional pressure, as Kelley argues that external pressure typically produced results only under certain conditions. Kelley is not as critical of the accession process as some of the scholars I review

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<sup>5</sup> James G. March and Johan P. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York: Free Press, 1989), 160.

<sup>6</sup> Judith G. Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives* (Princeton, New Jersey: Princeton University Press, 2004), 7.

<sup>7</sup> "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions," *International Organization* 58, no. 3 (2004).

<sup>8</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 15-18.

later in this chapter, but also recognizes that external institutions were not able to achieve success on the basis of normative pressure alone. The situations where external actors were able to achieve at least some of their goals included when normative pressure and conditionality were used in conjunction to encourage change in domestic policies, and when external institutions were united in their efforts.<sup>9</sup> Kelley is somewhat critical of how effective normative pressure alone is, although she also recognizes that fierce domestic opposition can be very difficult for institutional pressure to overcome, particularly when this opposition is coming from nationalists (as was the case in Estonia and Latvia).<sup>10</sup> In the context of my argument, *Ethnic Politics* is supportive of it as Kelley's review of the accession process shows how domestic action on the non-citizen population was achieved only when conditionality was enforced, and the backlash against the liberalized citizenship laws indicates the inability of external actors to encourage politicians to adopt a more liberal stance on naturalization.

Dovile Budryte's *Taming Nationalism? Political Community Building in the Post-Soviet Baltic States* (2005) also falls within a rationalist approach in terms of analyzing the effects of institutional pressure on citizenship legislation. As the title suggests, Budryte's book does not fall strictly into the field of the analysis of the accession process, but her examination of how nationalism has influenced post-Soviet political developments of the Baltic states includes her analysis on how external actors shaped the debates on minority issues. While Budryte's book functions best as a general overview of how politics developed around various minority issues such as language, education, and citizenship laws, the manner in which she focuses on the strong nationalist opposition to liberalizing laws in the face of external pressure complements Kelley's

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<sup>9</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 80, 84, 88, 90.

<sup>10</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 50.

thoughts on the power of nationalist obstruction.<sup>11</sup> For the purposes of my argument, I utilize *Taming Nationalism* in a similar manner to *Ethnic Politics*, in that Budryte's analysis indicates that conditionality was not able to impart on domestic politicians a legitimate concern for the status of the non-citizen population.

The more critical academic research on the accession process, and strongly in the field of rationalism, further helps me show why institutional pressure did not result in ruling elites internalizing a lasting concern for the non-citizen population. Notable scholars arguing that the accession process did not lead to socialization of a more conciliatory approach to naturalization include Gwendolyn Sasse and Geoffrey Pridham. Writing in 2008, four years after EU accession, Sasse described international pressure as not "per se increas[ing] the domestic political will for effective implementation of integration policies." Sasse's article criticizes conditionality's central focus on securing legal changes, and how this does not lead to a "socialization into European norms."<sup>12</sup> Much like Kelley and Budryte, Sasse notes the difficulty of external actors in overcoming domestic opposition to liberalizing laws on minority issues. She adopts a more critical stance on conditionality in arguing that legal changes alone did not result in politicians internalizing a desire to continue liberalizing citizenship laws past accession. I also draw on the work of Geoffrey Pridham, whose observation that there was "a lack of genuine support for or internalization of the political conditions" imposed by external institutions mirrors Sasse's assessment of whether or not legal changes can lead to socialization among domestic elites.<sup>13</sup>

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<sup>11</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 119-20.

<sup>12</sup> Gwendolyn Sasse, "The Politics of EU Conditionality: The Norm of Minority Protection During and Beyond Eu Accession," *Journal of European Public Policy* 15, no. 6 (2008): 855-56.

<sup>13</sup> Geoffrey Pridham, "Post-Soviet Latvia-a Consolidated or Defective Democracy? The Interaction between Domestic and European Trajectories," *Journal of Baltic Studies* 40, no. 4 (2009): 472.



My argument builds on those put forward by Sasse and Pridham, as I show that their argument that governing elites have not inherited a lasting concern for the Russophone population in the post-accession years has thus far come to fruition. Since liberalization of citizenship laws did not enjoy popular support and there were not strong domestic networks supporting the rights of the Russophone populations, it is not particularly surprising that the accession process did not result in the social learning of a greater respect for Russophone rights.<sup>14</sup> The ambiguity of the minority protection condition in the Copenhagen criteria and the difficulty of overcoming domestic opposition limited the EU's maneuverability in the field of minority rights. This is particularly true considering that, when citizenship legislation was being debated in the 1990s, adopting an exclusionary stance on naturalization was politically popular among the titular nationalities.

Unique to the Baltic states, the recognition by the EU that the Soviet period was indeed an illegal occupation also had an adverse effect on EU pressure, since the organization was *de jure* agreeing with the interpretation that the Russophone migrants were illegal immigrants. Ultimately, the EU, COE, and OSCE had few other options beyond pressing for legal changes, lacking a strong domestic base for the rapid liberalization to citizenship laws that the trifecta of institutional pressure sought. Furthermore, in the post-accession period, the presence of nationalist parties in governing coalitions has limited the incentive for changing citizenship laws,

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<sup>14</sup> Conor O'Dwyer, "Does the EU Help or Hinder Gay-Rights Movements in Post-Communist Europe? The Case of Poland," *East European Politics* 28, no. 4 (2012): 335; Frank Schimmelfennig and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," in *The Europeanization of Central and Eastern Europe*, ed. Frank Schimmelfennig and Ulrich Sedelmeier (Ithaca, N.Y.: Cornell University Press, 2005), 20.

as these actors represent “partisan veto players” who preferred to leave the naturalization regimes as restrictive as possible.<sup>15</sup>

## 2.2 Domestic Politics

The literature that is directly related to the political parties of Latvia and Estonia is not nearly as extensive as the scholarship that analyzes the accession process of each country, and the English literature which focuses specifically on how ethnicity influences party development is particularly rare. That being said, a few notable themes emerge across the sources I draw on which help support my argument.

One theme that emerges in reviewing the literature most relevant to the domestic politics portion of my argument is the manner in which ethnicity is intertwined with politics in Latvia and Estonia. A notable source on Latvia that I utilize mainly for background information is Iveta Kažoka’s 2010 article on analyzing Latvia’s party system. Kažoka provides the most radical argument for how deeply influenced political parties are by ethnic issues, arguing that even applying traditional “left” and “right” terms to describe Latvia’s political spectrum can be difficult. She notes that the “right-wing” as it refers to post-Soviet Latvia typically refers to those parties supporting the interests of ethnic Latvians, while “left-wing” parties are those viewed as being sympathetic to the Russian speakers.<sup>16</sup> Jānis Ikstens’s presents an argument to this affect as well.<sup>17</sup> These arguments help explain why leftist parties have struggled in post-

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<sup>15</sup> Ulrich Sedelmeier, "Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession," *West European Politics* 35, no. 1 (2012): 23.

<sup>16</sup> Iveta Kažoka, "Latvian Political Party System and the Discourse on Political Parties," in *Shrinking Citizenship: Discursive Practices That Limit Democratic Participation in Latvian Politics*, ed. Maria Golubeva and Robert Gould (Amsterdam: Rodopi B.V., 2010), 88, 91.

<sup>17</sup> Jānis Ikstens, "Does Europe Matter? The Eu and Latvia's Political Parties," in *The European Union and Party Politics in Central and Eastern Europe*, ed. Paul G. Lewis and Zdenka Mansfeldova (New York: Palgrave Macmillan, 2006), 87.

Soviet Latvia, as being branded as “Russian” parties by the ruling rightist parties has kept them from post-election government formation negotiations.

In attempting to explain the struggle of Russophones to influence post-Soviet politics, another theme that a number of scholars tackle is the curious lack of influential Russophone parties in either Estonia or Latvia, despite their increasing base of potential constituents as more Russophones became naturalized in the post-Soviet years. While Michele Commercio and Anton Steen note that stripping most Russophones of their voting rights by denying them citizenship was an early way to deny Russian parties from gaining ground, this situation does not explain why Russian parties have struggled well into the twenty-first century, when the Russophone populations still constitute over a third of the population in Latvia and roughly a quarter in Estonia.<sup>18</sup>

Some of the other factors to emerge in the literature on post-Soviet politics that help explain the lack of influential Russophone parties include political infighting among Russophone parties, the development of multiple Russophone parties representing significantly different platforms (some being more pro-Russian than others, for example), and the fact that Russophone speakers in Estonia and Latvia are a diverse group who do not share the same interests. David Galbreath’s book *Nation-Building and Minority Politics in Post-Socialist States* traces the complicated history of Russophone parties up until roughly 2003. He presents one main reason to explain the convoluted history of Russophone parties, arguing that the mainstream parties gradually attracted the vote of Russophones.<sup>19</sup> The argument of Artis Pabriks and Aiga

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<sup>18</sup> Michele E. Commercio, "Systems of Partial Control: Ethnic Dynamics in Post-Soviet Estonia and Latvia," *Studies in Comparative International Development* 43, no. 1 (2008): 92-93; Anton Steen, "Ethnic Relations, Elites and Democracy in the Baltic States," *Journal of Communist Studies and Transition Politics* 16, no. 4 (2000): 73.

<sup>19</sup> David J. Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia* (Stuttgart, Germany: ibidem-Verlag, 2005), 117, 18, 23, 24.

Štokenberga that ethnicity is becoming less important in Latvian politics in recent years supports the idea that mainstream parties have become more attractive to Russophone voters.<sup>20</sup> That Harmony Center in Latvia and the Center Party in Estonia gather the most votes of the Russophone electorate while Russophone parties remain absent from domestic politics lends credence to the arguments that Russophones have abandoned specifically Russian/Russophone parties in favor of mainstream parties.

Presenting another central argument to explain the absence of large Russophone parties, David Smith and Budryte argue that a diverse Russophone population has hampered the mass political mobilization of the population in Estonia.<sup>21</sup> In one example of how various parties have tried to appeal to these diverse interests, Michele Commercio presents the four different parties that represented the Russophone population in Latvia in 2010, with one small party preferring to target the ethnic Russian population rather than all Russian-speakers in the country.<sup>22</sup> Voter disillusionment with the first post-Soviet governments is also presented as a reason for the failure of the Russophones to politically mobilize.<sup>23</sup>

Some scholars, including Pridham and Sasse, also point to the failure of the political left to develop as an influential force as one reason for difficulties Russophones face in influencing decision making, particularly since most of the parties supported by Russophones have fallen on

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<sup>20</sup> Artis Pabriks and Aiga Štokenberga, "Political Parties and the Party System in Latvia," in *Post-Communist Eu Member States: Parties and Party Systems*, ed. Susanne Jungerstam-Mulders (Burlington, VT: Ashgate, 2006), 54.

<sup>21</sup> David J Smith, "Minority Rights, Multiculturalism and Eu Enlargement: The Case of Estonia," *Journal on Ethnopolitics and Minority Issues in Europe*, no. 1 (2003): 17; Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 76.

<sup>22</sup> Michele E. Commercio, *Russian Minority Politics in Post-Soviet Latvia and Kyrgyzstan: The Transformative Power of Informal Networks* (Philadelphia: University of Pennsylvania Press, 2010), 142.

<sup>23</sup> Sasse, "The Politics of EU Conditionality: The Norm of Minority Protection During and Beyond Eu Accession," 854.

the left side of the political spectrum.<sup>24</sup> Galbreath conducts a deeper investigation into the post-Soviet struggles of the political left, noting that the immediate alienation of former communists and the strong abhorrence many felt to communism hindered the development of a political left.<sup>25</sup> Drawing on arguments that explain the absence of a strong political left in either Latvia or Estonia helps to explain the struggle of political parties supportive of the Russophone population to influence decision-making, as these parties tend to be of a leftist orientation.

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<sup>24</sup> Ibid; Pridham, "Post-Soviet Latvia-a Consolidated or Defective Democracy? The Interaction between Domestic and European Trajectories," 482.

<sup>25</sup> Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 110, 14, 37.

### 3. Latvia

In this chapter, I apply my argument to explain the persistently high number of non-citizens in modern Latvia. I analyze two dimensions of the situation regarding non-citizens in Latvia: the role of external institutional pressure and the domestic political process. Throughout the post-Soviet period leading up to EU accession, a number of external institutions applied pressure to Riga to encourage politicians to take action to lower the large number of non-citizens. I feel it is necessary to analyze the lasting impact of this pressure on domestic decision making, particularly since the relative absence of institutional pressure in the years following accession has meant that non-citizens have lost their most influential lobbyists. With regards to conditionality and external institutional pressure in general, I argue that the post-accession period has highlighted the limitations of conditionality. In presenting domestic debates where external pressure was crucial to encouraging change, I note areas where the EU, OSCE, and COE were able to achieve legal changes that otherwise would likely not have occurred in the face of intense domestic opposition. However, the manner in which the situation of statelessness has dropped from the domestic agenda in the post-accession period shows how conditionality did not result in elites having a lasting concern for non-citizens. Rather, Latvian politicians begrudgingly accepted changes sought by the EU solely to secure accession, and having achieved this, no longer see the non-citizen population as a pressing issue. The impetus for change has now fallen on the politicians in Riga, and, as I argue, such an impetus has been absent in the post-accession period.

Concerning politics in Latvia, I argue that the difficulty of political parties more sympathetic to the plight of the non-citizen population to influence decision-making has allowed Riga's post-accession governments to drop the issue of statelessness from the domestic agenda.

I explore how ethnic issues have influenced Latvian political parties in the post-Soviet period, and the electoral history of parties that supported non-citizen and Russophone rights. I will examine the post-accession governments, none of which has included a party that is particularly supportive of the non-citizen population. I include a brief analysis of Harmony Center in particular, a party that attracts broad support from Russophone voters and is now the largest party in Latvia's parliament. It is locked out of government by a coalition of center-right parties and a nationalist party, due to concerns the major Latvian parties have over Harmony Center's ties with Russia.<sup>26</sup>

This chapter is organized as follows. First, I will briefly discuss the history of the Russian speaking minorities in Latvia and the impetus for imposing such restrictive citizenship legislation upon independence. I include this section because contemporary politics in Latvia are still shaped in no small part by the history of the Soviet occupation, and the manner in which most of the country's ethnic minorities migrated to Latvia. I will then present my two-part argument in separate sections, first analyzing the influence of external institutional pressure, then shifting the focus to domestic politics. In presenting my argument on institutional pressure, I focus on two specific cases of such pressure that are most relevant to my argument. These debates show how conditionality was crucial to securing change in Riga, and thus foreshadowed how, in the post-accession period, the impetus for change would have to come from domestic politicians in order for progress to continue on actively reducing the non-citizen population. In the domestic politics portion of the chapter, I show how this change was not forthcoming, due to the difficulty of a party supportive of non-citizen rights to effectively influence domestic politics.

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<sup>26</sup> "Pro-Russia Party Wins Most Votes in Latvia Election," *BBC News Online*, September 18, 2011, <http://www.bbc.com/news/world-europe-14962617>; Michael Schwartz, "Gains of Pro-Russian Party in Latvia Show Worries on Economy and Graft," *The New York Times*, September 19, 2011, <http://www.nytimes.com/2011/09/19/world/europe/gains-of-pro-russian-party-show-shift-in-sentiment-in-latvia.html>.

### 3.1 Historical Context

In 1935, Latvians constituted 77% of the population of Latvia, with Russians comprising 8.8%, as can be seen in Table 3.1. By 1989, the Latvian share of the population had decreased to 52%, while the Russian population had increased dramatically to represent 34%. The Belarusian and Ukrainian minorities also had seen significant increases, to 4.5% and 3.5% of the population.<sup>27</sup> The dramatic increase in Russian speaking minorities that occurred during the Soviet period is a result of a massive wave of migration that persisted until independence. These Slavic peoples migrated to Latvia primarily to remedy the labor shortage created by the destruction of war and deportations, as well as to fill vacancies created by rapid industrialization. Latvia's status as one of the wealthier republics certainly contributed to it being a draw for migrants. The new migrants also filled jobs in the bureaucracy, and while most people migrated simply out of hope for economic betterment, the Kremlin ensured that Russians occupied positions of prominence in Latvia. In addition to the altered ethnic power balance, Russian's status as the pan-Soviet language of mobility created little incentive for the newcomers to learn Latvian.<sup>28</sup>

Grasping the drastically altered demographics of Latvia and the lowered position of prominence for ethnic Latvians and the Latvian language is crucial to understanding the motivations of Latvia's post-Soviet governments in crafting citizenship legislation. These early governments sought to rectify what they viewed as the unjust ethnic power imbalance that favored Russophones during the Soviet period. Also important for historical context is how Latvia's government has perceived the country's time as a Soviet republic.

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<sup>27</sup> Nils Muižnieks, "Government Policy and the Russian Minority," in *Latvian-Russian Relations: Domestic and International Dimensions*, ed. Nils Muižnieks (Riga: University of Latvia Press, 2006), 13.

<sup>28</sup> Commercio, "Systems of Partial Control: Ethnic Dynamics in Post-Soviet Estonia and Latvia," 83.



Table 3.1: Ethnic demography of Latvia				
Ethnicity	1935	1989	2000	2013
Latvian	77.0%	52.0%	57.7%	61.1%
Russian	8.8%	34.0%	29.6%	26.2%
Belarusian	1.4%	4.5%	3.6%	3.5%
Ukrainian	0.1%	3.5%	2.4%	2.3%
Source: Central Statistical Bureau of Latvia, <a href="http://data.csb.gov.lv/">http://data.csb.gov.lv/</a>				

Along with the other Baltic governments, the United States, and the European Union, Latvia officially views the Soviet period as that of an illegal occupation, beginning in 1940 under the auspices of the Molotov-Ribbentrop Pact. Under this logic, the post-Soviet Latvian government represented a restoration of the pre-war Republic of Latvia, and thus, the citizenship laws that were enacted by the interwar authorities were reinstated. Following these legal maneuvers, Latvian citizenship was restored to those who had been citizens of Latvia before 1940, and their descendants. Thus, the vast majority of Russian speaking minorities were left stateless, in a situation that mirrored developments in Estonia. However, the major difference between Estonia and Latvia is the fact that in Latvia, years of domestic wrangling and debate meant that the 700,000 newly disenfranchised residents could not apply for citizenship until 1994, when the first citizenship law was enacted.<sup>29</sup>

I will review in more detail the complex process of constructing naturalization laws in the next section, and in the domestic politics section, I analyze in greater detail the impetus of Latvian politicians for disenfranchising such a large portion of the minority population.

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<sup>29</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 103.

### 3.2 Institutional Pressure

For this section of the chapter, I explore what effects the Council of Europe and EU accession processes had on the political process in Latvia with regards to citizenship. In order to keep this section as focused on my argument as possible, I do not delve fully into every detail of the accession process, since this could suffice as a thesis on its own. Rather, I present two prominent cases of conditionality in Latvia, the first regarding the crafting of Latvia's initial citizenship law and the second being the debate over the "window system" of naturalization, which established an extremely gradual system of stages for residents to receive citizenship. The accession of Latvia to the COE is of particular note as it is one of the few occasions in which the COE has applied conditionality. The COE did not use conditionality in the case of Estonia, likely because the first post-Soviet government there enacted a citizenship law soon after gaining independence, whereas Latvia's was stuck in parliamentary limbo. As I show, it is important to keep in mind how institutional pressure was able to secure victories, as a strong grasp of this is crucial to understanding elite opinions in Latvia in the post-accession period.

Earlier I mentioned the importance of the historical context when discussing the non-citizen population in Latvia, and here it plays a role in why Latvia and Estonia were unique cases for the EU. The EU and other external institutions involved in the citizenship issue recognized the continuity of independent Latvia. Since the state continuity theory is what Riga used to defend the disenfranchisement of so many residents, by recognizing this external institutions had essentially legitimized the process of de-citizenship.<sup>30</sup> In addition to this legal quandary, the EU's work in Latvia was also hampered by an obvious double standard that was the case for all Central and Eastern European countries, since EU institutions had no role in formulating

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<sup>30</sup> James Hughes, "'Exit' in Deeply Divided Societies: Regimes of Discrimination in Estonia and Latvia and the Potential for Russophone Migration," *Journal of Common Market Studies* 43, no. 4 (2005): 752.

minority policies in the existing member states.<sup>31</sup> Latvian politicians could also defend restrictive citizenship legislation as not contravening international standards, though such a defense ignores the fact that few countries in the world have issues with statelessness as pervasive as Latvia.

Taking into account the limitations that external institutions faced when confronting the citizenship issue in Latvia, I will now turn to what they were able to achieve. As I stated earlier, it is important to understand the manner in which concessions were secured when examining any possible lingering effects of the negotiation phase in the years following Latvia's accession. Concessions typically came in the face of intense nationalist opposition, and external institutions were able to see their recommendations implemented only when conditionality was emphasized.

Table 3.2: Russophone population in Latvia by citizenship						
Ethnicity	1995		2006		2014	
	Latvian citizens	Non-Citizens	Latvian citizens	Non-Citizens	Latvian citizens	Non-Citizens
Russian	37.8%	62.2%	54.0%	42.7%	61.3%	31.2%
Belarusian	19.2%	80.8%	33.8%	63.8%	41.0%	51.9%
Ukrainian	6.0%	94.0%	25.2%	68.1%	35.3%	52.2%
Source: Nils Muižnieks, "Government Policy and the Russian Minority," in <i>Latvian-Russian Relations: Domestic and International Dimensions</i> , ed. Nils Muižnieks (Riga: University of Latvia Press, 2006), 16; The Office of Citizenship and Migration Affairs, <a href="http://www.pmlp.gov.lv/">http://www.pmlp.gov.lv/</a>						

<sup>31</sup> Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage, and Integration after Communism* (New York: Oxford University Press Inc., 2005), 121.

### 3.2.1 Conditionality

When members of Latvia's parliament were formulating the first naturalization law in the early 1990s, the COE and OSCE (in particular High Commissioner on National Minorities Max van der Stoep) expressed strong reservations with the highly restrictive law that was being debated. Certain aspects to the draft law that drew international condemnation included the proposal of strict quotas, lengthy residence requirements, and ambiguity over whether or not unemployed persons could receive citizenship. Domestic opposition to the international recommendations was fierce, however, and even when representatives from the COE expressed that Latvia's membership was on the line (a rare moment of COE conditionality), parliament approved the restrictive naturalization law. The COE, OSCE, and various European governments condemned the law, with the EU wading into the debate to support recommendations made by the COE and OSCE. Eventually the external pressure resulted in Latvia's prime minister asking the president to return the law to parliament, specifically citing the refusal of the COE to admit Latvia, as well as the harm the law would do to future integration with the EU. Parliament amended the law, taking into account some of the recommendations of the COE and OSCE.<sup>32</sup>

The debate over the citizenship law in 1993 and 1994 is one of the first examples of effective conditionality in Latvia, but a number of aspects of the process indicated how future battles would transpire between intransigent domestic politicians and external institutions. Nationalist opposition to changing the law remained strong even after the COE made it clear that membership would be impossible with such a restrictive law. It was only after the EU joined the COE and OSCE in roundly criticizing the law that domestic politicians were compelled to amend it, and even then the renewed debate required the intervention of the prime minister. It is also

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<sup>32</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 87-88.

evident that if COE admission were not on the table, the law would have remained unchanged. Also, as Judith Kelley notes, nationalists were still able to keep in place a restrictive naturalization regime, ultimately limiting what the institutional pressure was able to achieve.<sup>33</sup>

In the next example that I present, we again see that institutional pressure was only barely able to overcome nationalist fervor, and only because the EU directly linked membership to reforming the citizenship law. The EU pressed Latvia to abolish the “window system” that was enacted with the passage of the 1994 law and to ease citizenship for children born in Latvia to non-citizen parents. This system dictated that naturalization would occur in gradual stages, with certain groups receiving priority before others (for example, those married to Latvian citizens were the first to have their applications processed). Such a system was planned to remain in place until 2003, when all groups would have their applications considered equally.<sup>34</sup>

Though the external actors that were involved in the initial debate over the citizenship law approved of the replacement of quotas with the window system, European institutions had grown dissatisfied with the slow rate of naturalization. Nationalist opposition to altering the window system was strong in parliament, and when it finally amended the law with some of the EU recommendations, it was only after the EU stated that reforming the citizenship law was essentially a requirement for opening accession talks. The final nationalist hurrah in the debate was a referendum on the amendments, which narrowly approved of the liberalizing changes to the citizenship law. Kelley observes that another peculiarity of this debate was the political

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<sup>33</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 89.

<sup>34</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 88.

manipulations of Prime Minister Krasts, who calculated the need to cooperate with the EU in order to keep his governing coalition together.<sup>35</sup>

These two cases show that when external institutions were highly involved in the citizenship debate, their recommendations were only taken seriously when the domestic politicians realized that conditionality would be enforced. The political calculations of individual leaders was also crucial, with the prime minister playing a critical role in securing legal changes in both cases after realizing accession was on the line. Further, it is difficult to say that the cases of COE conditionality in 1994 and EU conditionality in 1998 represent total victories for institutional pressure, considering that domestic opposition was able to prevent all recommendations from being implemented.

The cases above demonstrate that the threat of not joining the EU, and earlier the COE, was clearly the most influential factor compelling domestic politicians to liberalize citizenship in Latvia. Since Latvia acceded to the EU, it has become clear that politicians in Latvia no longer feel that statelessness is a pressing concern. In criticizing the conditionality process, Gwendolyn Sasse argues that the legal changes secured by EU pressure have “not widened the domestic scope for a systematic engagement with the deeper structural problems” concerning minority relations in general.<sup>36</sup> In expressing this sentiment, Sasse argues that conditionality did not encourage domestic politicians to more seriously engage issues of integration of the Russophone population. In a similar vein, Geoffrey Pridham argues that the top-down accession process was

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<sup>35</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 91. Pridham, "Post-Soviet Latvia-a Consolidated or Defective Democracy? The Interaction between Domestic and European Trajectories," 471.

<sup>36</sup> Sasse, "The Politics of EU Conditionality: The Norm of Minority Protection During and Beyond Eu Accession," 855.

not “conducive to producing change at a deeper level.”<sup>37</sup> Pridham argues that politicians in Latvia were driven to concede only because accession was on the line, hence creating a situation where “some change did occur by necessity.”<sup>38</sup>

What Pridham and Sasse are arguing is, essentially, the failure of institutional pressure to create a change in the behavior of the ruling elite in Latvia. Post-accession developments in Latvia attest to this, such as 2008 closure of the Ministry of Social Integration after only six years in operation. Even developments that would seem like a progression, such as the post-accession ratification of the Framework Convention for the Protection of National Minorities, can be viewed as evidence that Latvian politicians have not inherited from the accession process a greater concern for Russophone rights. Sasse argues that the late ratification of the FCNM is largely due to Latvian politicians taking advantage of lowered institutional pressure to attach clauses that would have created controversy in the pre-accession period.<sup>39</sup>

With accession achieved, the central “carrot” used by the EU to elicit change from policymakers in Riga was no longer a factor, and at any rate, the institutions that closely monitored the situation in the accession process, such as the COE and OSCE, are only vaguely involved today, if at all. The OSCE mission in Riga was closed in 2001, which James Hughes argues can be partly attributed to American pressure to hasten the country’s NATO accession.<sup>40</sup> Estonia’s mission was also shuttered in 2001, but there the OSCE managed to elicit from Tallinn

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<sup>37</sup> Pridham, "Post-Soviet Latvia-a Consolidated or Defective Democracy? The Interaction between Domestic and European Trajectories," 473.

<sup>38</sup> "Post-Soviet Latvia-a Consolidated or Defective Democracy? The Interaction between Domestic and European Trajectories," 481.

<sup>39</sup> Sasse, "The Politics of EU Conditionality: The Norm of Minority Protection During and Beyond Eu Accession," 853.

<sup>40</sup> Hughes, "'Exit' in Deeply Divided Societies: Regimes of Discrimination in Estonia and Latvia and the Potential for Russophone Migration," 755.

liberalization of language requirements for elected officials, as opposed to the Latvian mission, which secured no such concessions. As a further example of the OSCE's lowered profile, the HCNM's who have followed van der Stoep have not shown as much of a commitment to issues of minority rights in Latvia and Estonia.<sup>41</sup> The Council of Europe remains somewhat invested in issues of minority rights, but only to the extent of soliciting periodic reports from Riga that show how well the Latvian government adheres to the FCNM.

The impetus for change has thus shifted to authorities in Riga, and yet, such an impetus has not revealed itself. I agree with Pridham's assertion that in the post-accession period, decision-making elites no longer feel as though they are restricted by the opinions of external institutions. As I argue below, one reason for this is the failure of political parties that support the rights of the stateless population to influence decision-making in an effective manner.

### **3.3 Domestic Politics**

Throughout the previous section, I referred to the domestic politicians who were formulating citizenship policies. These politicians were almost universally ethnic Latvians belonging to center right and nationalist parties. These types of parties remain strongest in Latvia today, and have composed every post-accession government. In this section, I argue that the failure of political parties to effectively influence decision-making that could bring the issue of statelessness to the fore helps explain why the issue has persisted for so long. I include a study of the recent electoral success of Harmony Center, a party that voices support for Russophone rights and gathers much of its support from Russophone voters.

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<sup>41</sup> "'Exit' in Deeply Divided Societies: Regimes of Discrimination in Estonia and Latvia and the Potential for Russophone Migration," 756.



### 3.3.1 Russophone parties/historical context

Compared to Estonia, Latvia never saw Russophone parties enter parliament; that is, parties that campaigned exclusively on issues related to the Russophone minority. This can be attributed partly to the same reasons that the Russophone parties eventually collapsed in Estonia, namely that the Russophone vote was lured away by the mainstream parties, typically those on the left. However, Russophone parties have also been stunted by the fact that Latvia has never allowed non-citizens to vote in local elections, something Tallinn granted in 1992. This denies possible Russophone parties from having same level of the organizational capacity that the main Russophone parties established in Estonia in the mid-1990s possessed. The Estonian parties were founded and organized by notable figures in Tallinn's city government, the elections for which non-citizens could participate in. Conversely, in Latvia the organizational capacity of Russophone parties has been further checked by the fact that two of the leftist parties that supported greater Russophone rights, Equal Rights and the Socialist Party, were headed by politicians who were deemed unfit to run for office due to their affiliations with the former Soviet government.<sup>42</sup>

The inability of Russian speakers to influence decision-making in Riga has been one of design since independence. The historical aspect comes into the equation once again, as the ethnic Latvians who took the reins of post-Soviet Latvia took advantage of the opportunity to rectify what they viewed as decades of unjust Russian dominance. Stripping much of the Russian speaking population of citizenship and voting rights was the easiest way to ensure that minority parties would be immediately hobbled, as they lost an enormous voting bloc. Ethnic

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<sup>42</sup> Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 140.

Latvian elites ensured that they would have political control for the foreseeable future, and thus that they would control the process of forming the country's citizenship law.<sup>43</sup>

The ethnic divide in Latvia has manifested itself in party politics more so than in Estonia, to the extent that the traditional left/right political spectrum does not necessarily apply to post-Soviet Latvian politics. Parties that are seen as representing the interests of ethnic Latvians have tended to adopt rightist economic and social policies, while those on the left have been of a more Russophone orientation. This means that in the realm of Latvian politics, domestic politicians have misleadingly used "left" and "right" as blanket terms for Russophone and Latvian parties.<sup>44</sup> This goes some way towards explaining the absent political left in post-Soviet Latvia, as it made it more difficult for economically leftist parties to gain traction among ethnic Latvian voters. Such a situation also made it impossible for a "left-wing" party to enter the government, as affiliation with the "right-wing" parties has been a virtual requirement in order to be approached for coalition negotiations.<sup>45</sup> Even as a major social-democratic party, Harmony Center, has made inroads among ethnic Latvians, this aspect of Latvian politics remains stubbornly in place, as my analysis highlights below.

### **3.3.2 Harmony Center**

Artis Pabriks' and Aiga Štokenberga's argument that there has been somewhat of a de-ethnicization of politics in Latvia, meaning that socio-economic concerns have surpassed issues related solely to ethnicity, is lent support by the recent success of a party deemed by Western

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<sup>43</sup> Commercio, "Systems of Partial Control: Ethnic Dynamics in Post-Soviet Estonia and Latvia," 92-93. Steen, "Ethnic Relations, Elites and Democracy in the Baltic States," 73.

<sup>44</sup> Ikstens, "Does Europe Matter? The EU and Latvia's Political Parties," 87; Kažoka, "Latvian Political Party System and the Discourse on Political Parties," 85.

<sup>45</sup> "Latvian Political Party System and the Discourse on Political Parties," 85.

media outlets to be “pro-Russia” and “ethnic Russian,” Harmony Center.<sup>46</sup> This corresponds with an increase in the number of Russian deputies in parliament, to thirteen, following the 2011 election that gave Harmony Center the largest number of seats in parliament.<sup>47</sup> Despite the electoral success of Harmony Center, however, the party has been locked out of government, with the current administration in Riga consisting of a coalition of two center-right parties and a nationalist party.<sup>48</sup> No leftist party has ever been in a post-Soviet Latvian government, and this has continued to be a trend of Latvian politics in all post-accession governments, beginning with the government that carried the country through EU and NATO accessions in 2004. In the 2002 parliamentary election, the rightist New Era party won the most seats, at twenty-six in the one-hundred seat parliament. It was led by Einārs Repše, who was viewed as promulgating restrictive ethnic policies.<sup>49</sup> The alliance For Human Rights in a United Latvia was the runner up, securing twenty-five seats. FHRUL consisted of three parties that were popular among Russophones and advocated leftist economic policies, including the National Harmony Party, a forerunner of Harmony Center.<sup>50</sup> New Era was able to form a government in coalition with

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<sup>46</sup> “Pro-Russia party wins most votes in Latvia election”; Schwartz, “Gains of Pro-Russian Party in Latvia Show Worries on Economy and Graft; Miriam Elder”; “Pro-Russia Party May Take Power in Latvia If It Can Form Coalition,” *The Guardian*, September 19, 2011, <http://www.theguardian.com/world/2011/sep/19/latvia-pro-russia-party-tops-poll>; Pabriks and Štokenberg, “Political Parties and the Party System in Latvia,” 54.

<sup>47</sup> Central Election Commission of Latvia, <http://cvk.lv/>.

<sup>48</sup> Corinne Deloy, “The Opposition Party, Harmony Centre, Comes out Ahead in the General Elections,” (Robert Schuman Foundation, September 19, 2011). Aaron Eglitis, “Latvian Parliament Confirms New Government Led by Dombrovskis,” *Bloomberg* October 25, 2011.

<sup>49</sup> Ikstens, “Does Europe Matter? The EU and Latvia's Political Parties,” 87; Pabriks and Štokenberg, “Political Parties and the Party System in Latvia,” 57.

<sup>50</sup> Ikstens, “Does Europe Matter? The EU and Latvia's Political Parties,” 89.

parties that supported a pro-Latvian stance on ethnic issues. Though Repše's broad government would fall shortly thereafter, its replacement still consisted of moderate and rightist parties.<sup>51</sup>

Despite its strong showing in the 2002 election, FHRUL collapsed in 2003, a result of infighting among the three parties that formed the union. By the time of the first post-accession election in 2006, a new coalition supporting the rights of Russian speakers had formed, going by the name of Harmony Center and led by Nils Ušakovs, an ethnic Russian who still leads the party today and is currently the popular mayor of Riga. Harmony Center was a surprise success in the 2006 election, defying expectations to secure seventeen seats. What remained of FHRUL won just six seats, but the combined proportion of the vote won by FHRUL and Harmony Center surpassed what FHRUL had gathered in the previous election. Nevertheless, the ruling coalition of center-right parties succeeded in winning enough seats to secure another term in office.<sup>52</sup>

By the time of the 2010 election, Latvia had a new prime minister and was in the throes of the global economic crisis. In the prior year, Valdis Dombrovskis of New Era had formed a new government after his predecessor resigned in the face of popular protest over the Riga's handling of the economic crisis.<sup>53</sup> Dombrovskis led his center-right Unity bloc to success in the 2010 election, securing enough votes to continue his coalition government with the Union of Greens and Farmers and the nationalist party, For Fatherland and Freedom.<sup>54</sup> However, Harmony Center improved on its previous results, winning twenty-nine seats on a platform that

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<sup>51</sup> Pabriks and Štokenberga, "Political Parties and the Party System in Latvia," 58.

<sup>52</sup> Corinne Deloy, "The Ruling Centre Right Coalition Emerges Victor of the General Elections," (Robert Schuman Foundation, September 10, 2006); "Latvian Coalition Retains Power," *BBC News Online* October 8, 2006, <http://news.bbc.co.uk/2/hi/5416778.stm>.

<sup>53</sup> "Dombrovskis Chosen as Latvian PM," *BBC News Online*, February 26, 2009, <http://news.bbc.co.uk/2/hi/7911983.stm>.

<sup>54</sup> "Latvia's Ruling Centre-Right Coalition Wins Elections," *BBC News Online*, October 3, 2010, <http://www.bbc.co.uk/news/world-europe-11460358>.

opposed the austerity measures being enacted by the government. The party would see its fortunes rise again in 2011, when then-president Valdis Zatlers dissolved parliament in the wake of a scandal where MPs refused to investigate a fellow parliamentarian who was accused of corruption. In the 2011 snap election, Harmony Center became the largest party, securing thirty-one seats in the best result yet for a “pro-Russia” party in Latvia.<sup>55</sup> Yet again, Harmony Center was kept out of government by the ruling rightist bloc, with Dombrovskis forming a coalition with Zatlers’ newly formed Reform Party and the nationalists, now organized as the National Alliance.<sup>56</sup>

The electoral history of Harmony Center in the post-accession period shows that a party sympathetic to the Russophone population, and thus in the best position to encourage Riga to take initiative in reducing the non-citizen population, has managed to achieve increasing electoral success, culminating in securing the most seats in parliament. However, its influence has been weakened by the fact that the ruling center-right and nationalist parties have been able to block it from entering government. The continued inclusion of a nationalist party in successive governments has especially allowed Riga to ignore the non-citizen population. That Harmony Center currently represents the strongest voice for the Russophone and non-citizen populations is further supported by the results of the Chapel Hill Expert Survey. In the 2010 Chapel Hill expert survey (raw data), the party was ranked as by far the most supportive of ethnic minority rights among all major parties in Latvia, scoring a 1.8 on a scale of zero to ten, with zero representing the strongest support for minority rights and ten representing the strongest

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<sup>55</sup> Elder, "Pro-Russia Party May Take Power in Latvia If It Can Form Coalition."

<sup>56</sup> Eglitis, "Latvian Parliament Confirms New Government Led by Dombrovskis."

opposition. By comparison, the National Alliance, which is currently in government, was rated at 9.2 in its position toward ethnic minorities.<sup>57</sup>

While Harmony Center's success should certainly be applauded, there is another factor that limits its ability to alter Riga's position vis-à-vis the non-citizen population. Ušakovs has led Harmony Center to success as a result of moderating the party's position on ethnic issues and benefiting from discontent over austerity and the perception of corruption in the government.<sup>58</sup> This proves the argument of Pabriks and Štokenberga that ethnicity is being trumped by socio-economic issues in contemporary elections, but it also means that Harmony Center will not be able to take radical stances on ethnic issues without losing some support from ethnic Latvians. With the regards to the non-citizen population, this means that, for example, proposing granting the 270,000 non-citizens automatic citizenship would almost certainly erode the party's support among ethnic Latvians.

### **3.4 Conclusion**

I have argued here that one reason for the persistently high number of non-citizens is the failure of external institutional pressure in the 1990s to produce lasting change on the societal attitudes of ethnic Latvian elites in Riga. Observing two cases of conditionality, it is clear that legal changes to the naturalization law would not have occurred without accession being on the line, and that nationalist opposition was strong enough that politicians were able to enact only the international recommendations that were necessary. Clearly, such a process did not result in a

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<sup>57</sup> Ryan Bakker, Catherine de Vries, Erica Edwards, Liesbet Hooghe, Seth Jolly, Gary Marks, Jonathan Polk, Jan Rovny, Marco Steenbergen, Milada Vachudova (2012), "Measuring Party Positions in Europe: The Chapel Hill Expert Survey Trend File, 1999-2010," *Party Politics*: forthcoming.

<sup>58</sup> Elder, "Pro-Russia Party May Take Power in Latvia If It Can Form Coalition; Schwirtz, "Gains of Pro-Russian Party in Latvia Show Worries on Economy and Graft."

lasting concern for the issue of statelessness in Latvia among politicians in Riga, as the ruling elite appears to view the drastic drop in naturalization rates as a non-issue.

In the second part of my argument, I explained why those in the halls of power in Riga have been able to block parliamentarians from government who could bring about change in Riga's stance on statelessness. It was nearly impossible for Russian speakers to influence the development of citizenship law in Riga throughout the 1990s as they were largely excluded from the political process. The situation has improved in the post-accession period, but rightist political parties have still been able to keep "Russian" parties out of government, in particular the large Harmony Center party. Even though Harmony Center is now the largest party in parliament, the center-right parties are still able to block it from power by aligning with a nationalist party. The inability of parties sympathetic to Russian speakers to enter post-Soviet governments has meant that, in the absence of strong institutional pressure, the issue of statelessness can easily be shelved in parliament.

## 4. Estonia

In this chapter, I apply my argument explaining why we still see such a large number of stateless residents to Estonia. As in the Latvia chapter, I argue that, in the absence of external institutional pressure in the post EU accession period, lawmakers in Estonia have been unconcerned with taking action to hasten the naturalization of the non-citizen population. The stateless residents of Estonia lost their most vocal and influential lobbyists when Estonia joined the EU, following which the international community lost most of its leverage over Tallinn. The impetus for change has now fallen to domestic policymakers, but there has been little hope for non-citizens in this regard. It has become clear that the accession process did not alter the norms and values of the center-right and nationalist politicians in Tallinn who have composed most of the country's post-accession governments. Furthermore, the struggle of leftist political parties to enter post-accession governments, the parties that are more amenable to liberalizing the country's naturalization regime, has resulted in a situation where the stateless residents have not had influential supporters in the Estonian government.

In making my argument, this chapter is structured similar to the Latvian chapter. First, I will present some historical context for the current situation in Estonia. The large number of stateless people can be traced directly to policies that derived from the manner in which Estonian elites view Moscow's rule as a foreign occupation, so I will present the context in which the country's first post-independence citizenship laws were drafted. Then I will make my argument as it pertains to Estonia, separating the chapter into sections devoted to external institutional pressure and domestic politics. As I did in the Latvia chapter, I will here use the institutional pressure section to briefly highlight notable examples from the accession process that are most relevant to my argument. These situations were a foreshadowing of how, in the absence of



institutional pressure, there would have to be an impetus for change emanating from Tallinn in order to expect further progress in the post-accession period. With the domestic politics portion of the chapter, I show how this impetus did not reveal itself in the post-accession governments. This section also includes an overview of post-independence politics in Estonia, as I trace how parties sympathetic to the plight of non-citizens, in particular the Center Party, have struggled to make as much of an impact on government policy as their rightist and nationalist rivals have.

#### **4.1. Historical Context**

In its time as a republic of the Soviet Union, Estonia experienced dramatic demographic changes. Before World War II, almost 90% of the population was ethnic Estonian. By 1989, this number had fallen to less than 62% of the population. Meanwhile, the Russian portion of the population rose from 8.2% before the war to 30.3% in 1989. Most of the change was due to the migration of Russian speakers from other parts of the Soviet Union, but war and deportations also had an effect. In neighboring Latvia, there was a similarly drastic decline in the portion of the population that was ethnically Latvian. However, Latvia was slightly more ethnically heterogeneous before the war, with the ethnic Latvian population falling from 77% of the population before World War II to 52% in 1989.<sup>59</sup>

When Estonia became an independent country, the policymakers in Tallinn, much like those in Riga, elected to follow a “restoration” model of development. This method considered the decades of Soviet rule in Estonia to be an illegal occupation, after the republic’s induction into the Soviet Union shortly following World War II. Under the restoration model, the legal structures of the pre-war Republic of Estonia were “restored” shortly following independence in 1992. The citizenship law from 1938 was reestablished with its 1940 amendments, which meant

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<sup>59</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 92.

that only those who had been citizens before 1940 and their descendants could receive citizenship.<sup>60</sup> This meant that just under a third of the population, or roughly 450,000 people, lacked citizenship of any country in 1992.<sup>61</sup> The vast majority of these people were Russian-speaking minorities who had migrated to the country during the Soviet period.

Table 4.1: Ethnic demography of Estonia				
Ethnicity	1934	1989	2000	2013
Estonian	88.1%	61.5%	67.9%	69.9%
Russian	8.2%	30.3%	25.6%	25.2%
Ukrainian	N/A	N/A	2.1%	1.7%
Belarusian	N/A	N/A	1.3%	1.0%
Source: Dovile Budryte, <i>Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States</i> (Burlington, VT: Ashgate, 2005), 103; Statistics Estonia, <a href="http://pub.stat.ee/">http://pub.stat.ee/</a>				

The restoration model resonated with many Estonians, who viewed the large Russian-speaking population as colonists who posed a grave threat to the Estonian nation and language. The Russophones in Estonia were concentrated primarily in Tallinn and the northeast region bordering Russia, and had little incentive to learn Estonian during the Soviet period; at best, just 15% of Russophones could speak Estonian in 1989.<sup>62</sup> The lack of integration among the Russian speakers into Estonian society is just one example of why Estonians felt threatened by the settlers, whose arrival, as previously mentioned, dramatically altered the country's

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<sup>60</sup> Hughes, "'Exit' in Deeply Divided Societies: Regimes of Discrimination in Estonia and Latvia and the Potential for Russophone Migration," 747.

<sup>61</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 65.

<sup>62</sup> *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 71.

demography.<sup>63</sup> The model of government proposed by the Restorationists was particularly appealing for many as it would most readily exclude much of the Russophone population from post-Soviet Estonian policymaking. Most Russophones, lacking Estonian citizenship, were prevented from participating or voting in the first parliamentary elections since they were held after the 1940 citizenship law had been reinstated.<sup>64</sup>

## 4.2 Institutional Pressure

As in Latvia, Estonia's progress in reducing its stateless population can be attributed in no small part to the intensive European Union accession process the country underwent. International institutions, led largely by the Council of Europe and the OSCE, regularly evaluated how Tallinn was handling the issue of statelessness in the country, as well as other issues related to the Russian-speaking minority populations. Just as in Latvia, legislation tended to be structured around key dates in the country's accession process, such as when the government decided to debate proposed amendments to the citizenship law days before a December 1997 summit where the EU decided who it would extend accession talks to.<sup>65</sup>

As I did in the Latvia chapter, here I argue that the absence of international pressure in the years following accession means the non-citizen population has lost the most influential voice they had in their favor. The accession process does not appear to have resulted in a change in the beliefs and values of many Estonian elites, and those who vote them into power, with regards to the non-citizen population; as in Latvia there is less impetus now to take action to reduce the number of stateless residents. I argue that this is because the ruling elites in the post-accession period no longer feel an obligation to liberalize the naturalization regime. In order to

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<sup>63</sup> Smith, "Minority Rights, Multiculturalism and Eu Enlargement: The Case of Estonia," 10-11.

<sup>64</sup> Commercio, "Systems of Partial Control: Ethnic Dynamics in Post-Soviet Estonia and Latvia," 92.

<sup>65</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 107.

present an early example in the accession process that foreshadowed this lack of a post-accession concern for the non-citizen population, I cite the specific case of the debate on granting citizenship to the children of non-citizens. This is one of the best examples of institutional pressure being used in Estonia, as the government was not moved to action until the EU adopted a conditionality approach, despite years of the OSCE voicing their concerns. The response of Estonia's parliament to this pressure highlights the limits of institutional pressure and was an early sign that external pressure would not result in Tallinn adopting a more pragmatic approach to minority issues such as citizenship.

Table 4.2: Russian population in Estonia by citizenship <i>Estonia's census does not publish the citizenship of Belarusians and Ukrainians, instead including them in the "Other ethnic nationalities" group</i>						
Ethnicity	2000			2011		
	Estonian citizens	Non-Citizens	Russian citizens	Estonian citizens	Non-Citizens	Russian citizens
Russian	40.4%	38.4%	20.9%	54.0%	21.1%	24.3%
Other ethnic nationalities	35.7%	42.1%	13.5%	41.1%	23.6%	16.1%
Source: Klara Hallik, "Nationalising Policies and Integration Challenges," in <i>The Challenge of the Russian Minority: Emerging Multicultural Democracy in Estonia</i> , ed. Marju Lauristin and Mati Heidmets (Tartu, Estonia: Tartu University Press, 2002), 73; 2011 Population and Housing Census, <a href="http://pub.stat.ee/">http://pub.stat.ee/</a>						

#### 4.2.1 Citizenship for non-citizen minors

One of the major issues on which external institutions chose to focus with regards to reducing the large non-citizen population in the 1990s was automatically granting citizenship to minors born in Estonia lacking citizenship. One reason for the international community's concern was the fact that over one thousand children were being born to stateless parents every year in Latvia and Estonia, and there was a fear that this combined with the government's inaction on the non-citizen issue would only serve to maintain the isolation of non-citizens.

There was also a legal precedent for these recommendations, as granting citizenship to stateless minors would place Estonia on equal footing with other OSCE members and United Nations statutes protecting the rights of children.<sup>66</sup> The OSCE's High Commissioner on National Minorities, Max van der Stoel, had been suggesting the government in Estonia should find ways to more liberally grant citizenship to the Russophones since 1993. One of his specific recommendations included granting citizenship to children born in Estonia to non-citizen parents, and he also suggested ways in which the government could ease the process of applying for citizenship. Van der Stoel's recommendations were largely ignored by the government, with the prime minister only responding months later with a vague commitment to institute the recommendations. For years, van der Stoel's office was the only institution expressing concern over the country's citizenship laws. Unlike in Latvia, the Council of Europe did not impose any sort of conditionality, likely a result of Estonian authorities actually allowing naturalization soon after independence. The EU, meanwhile, focused its concern on economic cooperation. In January 1995, stricter requirements for naturalization were approved, which extended the residency requirement to five years and required applicants for citizenship to pass a test on the constitution. Granting citizenship to stateless minors was effectively off the agenda.<sup>67</sup>

While there was little van der Stoel could do besides try and persuade politicians in Tallinn, his recommendations took on a new level of importance when the EU expressed support for the OSCE's suggestions on granting citizenship to stateless children in 1997 (more specifically, those under fifteen who were born in Estonia to non-citizen parents).<sup>68</sup> As

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<sup>66</sup> Smith, "Minority Rights, Multiculturalism and Eu Enlargement: The Case of Estonia," 25.

<sup>67</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 105. Pritt Järve, "Estonian Citizenship: Between Ethnic Preferences and Democratic Obligations," in *Citizenship Policies in the New Europe*, ed. Rainer Bauböck, Bernhard Perchinig, and Wiebke Sievers (Amsterdam: Amsterdam University Press, 2009), 49.

<sup>68</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 80.

international pressure became more coordinated, the government formed a task force on the integration of non-Estonians a month before the publication of an EU report on the readiness of candidate states. When the EU report criticized Estonia's static position on stateless children, a number of Estonian government ministers proposed an amendment on stateless children, citing the EU's argument. When the government finally decided to debate amendments which included allowing non-citizen children to become citizens, it was just days before a December 1997 summit where the EU decided which countries it would open accession negotiations with.<sup>69</sup>

The next year did not bring immediate change on the issue, as domestic opposition to liberalizing the citizenship laws was quite strong. The major nationalist party in the parliament argued that granting citizenship to children threatened the very fabric of the state, while others voiced their concern that the status of the Estonian language could be threatened. Still others felt as though the country would be conceding too much ground to Russia, an actor who some felt was using the OSCE to effectively bully Tallinn.<sup>70</sup> Major Estonian politicians put their support behind the law as it became clear that further progress in the country's accession negotiations would be threatened by non-passage.<sup>71</sup> This was particularly true after the European Commission published their first Progress Report on the country, which specifically voiced concern with parliament's stagnant position on the amendment regarding stateless children.<sup>72</sup>

The prolonged legislative process of the amendment on stateless children, where progress was only achieved when it was clear that the country's EU accession was threatened by

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<sup>69</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 106-07.

<sup>70</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 79-80.

<sup>71</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 107-08.

<sup>72</sup> "Regular Reports – From the Commission on Estonia's Progress Towards Accession", European Commission, 1998, 10-11.

stagnation, showed that politicians were largely motivated by conditionality. The head of the country's human rights department outright stated that the government's central motivating factor was joining the EU: "The EU was our first priority and this was well understood by [EU Foreign Affairs Commissioner Hans] van den Broek and van der Stoep—who obviously talked together. We had lots of contact and meetings with the ambassadors of the EU countries."<sup>73</sup> Liia Hanni, an opposition MP who changed her vote, noted that, "The government amendment to the citizenship law approved in December 1997...had high priority for EU progress report and we knew it was a political obstacle [to EU integration]...Some of my colleagues said in their speeches they were voting for the law because of international pressure and because we [could] lose our nice position and relationship with the EU."<sup>74</sup> The amendment on granting citizenship to non-citizen children was stuck in parliamentary limbo until December 1998, when it was finally passed, following a year of international pressure to pass the law.

#### **4.2.2 Nationalist response/electoral language requirements**

Aside from showing how change was elicited from Tallinn only when politicians there truly felt accession to the EU was threatened, the debate over citizenship for stateless children is also a good example of how the EU applied conditionality in general. While external institutional pressure succeeded in securing legal changes to the naturalization regime, there was little beyond this action that the EU could feasibly persuade Tallinn to do in the face of strong domestic opposition. The backlash among the titular elite resulting from having unwanted

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<sup>73</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 108.

<sup>74</sup> Ibid; *Ethnic Politics in Europe: The Power of Norms and Incentives*, 109.

changes essentially imposed on them can actually result in a worsening of how the government views issues concerning ethnic minorities, such as citizenship.<sup>75</sup>

The response of politicians in Tallinn to being pressured to pass the amendment on non-citizen children immediately exemplified the limitations of the focus on pressing for legal change that institutional actors typically took with regards to minority rights. In the same month that the amendment on stateless children was passed, the Language Law was amended to require parliamentarians and locally elected officials to demonstrate fluency in Estonian. There seemed to be a universal desire to save face in the aftermath of the rigmarole surrounding stateless children, especially as President Meri, who supported the amendment granting citizenship to non-citizen children, decided to allow the language bill to become law, despite having rejected it in 1996 and 1997.<sup>76</sup> A law was already in place that required candidates in local elections to sign a document stating they were fluent in Estonian, but the 1998 amendment was far more detailed in language requirements for elected officials at the national and local levels. Though the OSCE and van der Stoep had been raising concerns about the law since it was first proposed in 1996 (to little avail; the EU had not entered the debate), the debate over stateless children had seemingly galvanized nationalist parliamentarians.<sup>77</sup> Rather than impart on domestic politicians a need to approach minority issues with a pragmatic outlook, the institutional pressure applied to secure passage of the stateless children amendment seemed to have the opposite effect of provoking a nationalist backlash.

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<sup>75</sup> Sasse, "The Politics of EU Conditionality: The Norm of Minority Protection During and Beyond EU Accession," 855.

<sup>76</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 82-83.

<sup>77</sup> Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, 99.



The argument that the changes that external institutional pressure obtained were an example of “change by necessity,” and that, in the post-accession period, the ruling elite no longer feel bound by the opinion of the EU, can also be applied to the situation in Estonia. In the absence of effective external pressure in the sphere of citizenship laws, it is clear that domestic politicians in Tallinn’s post accession governments have not felt a need to be proactive in reducing the still significant number of stateless residents. There must also be a genuine impetus for change emanating from the domestic political scene as well, something that was largely absent in Tallinn in the accession process and remains so in the post-accession period, as I detail in the next section.

### **4.3 Domestic Politics**

In this section, I argue that political parties supporting greater Russophone rights have not evolved into a force for domestic change, as their continual inability to enter government in the post-accession period limits their influence. To provide some historical context for this situation, I review why specifically Russophone parties have fizzled out in Estonia. I then shift my focus to the contemporary political situation. Compared to Latvia, the situation is complicated somewhat by the existence of a pro-market party that purports to support Russophone rights, the Reform Party, which is currently the largest party in the country and leads the government. In the second sub-section, I argue why I do not believe this party is a force for change. Though the Center Party is more amenable to Russophone issues, I present reasons in that sub-section why the CP has issues of its own as well.

#### **4.3.1 Russophone Parties**

Compared to Latvia, Russophone parties in Estonia have had at least a modicum of success, but this never extended beyond just barely breaching the electoral threshold for seats in

parliament. As in Latvia, one reason for the lack of prominent Russophone parties can be traced to the early disenfranchisement of the most viable voter base for any possible Russophone parties, since the Russophone population that became stateless in 1992 lacked national voting rights. However, unlike in Latvia, in Estonia non-citizens were granted the right to vote in local elections as early as 1992, when such a clause was included in the new constitution that was adopted.<sup>78</sup> This at least provided possible Russophone parties with a stronger base than in Latvia, especially with the large number of non-citizens in Tallinn. When two Russophone parties were formed prior to the 1995 elections, each was headed by prominent figures in Tallinn's municipal government. The Estonian United People's Party took a positive stance on integration, and did not adopt policies of a strict left or right orientation. In its 1995 platform, EUPP advocated for liberalized naturalization laws and better relations with Russia. The other new party formed, the Russian Party in Estonia, focused far more on promoting a cozy relationship with the Kremlin. Though the parties had differing political positions, they formed a coalition for the 1995 elections, and were able to pass the 5% electoral threshold, netting six seats in the 101-seat parliament. The small number of seats the two parties won made it impossible for them to provoke serious change on minority issues, but they were at least able to initiate legislation to liberalization citizenship requirements, however little it was debated.<sup>79</sup> The failure of the Russophone parties to instigate real progress on minority rights may be one reason

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<sup>78</sup> *Ethnic Politics in Europe: The Power of Norms and Incentives*, 97.

<sup>79</sup> Klara Hallik, "Nationalising Policies and Integration Challenges," in *The Challenge of the Russian Minority: Emerging Multicultural Democracy in Estonia*, ed. Marju Lauristin and Mati Heidmets (Tartu, Estonia: Tartu University Press, 2002), 84.

that they floundered in later years, as those who had supported the two parties felt that they had failed in enacting change on minority issues, which was what the two parties campaigned on.<sup>80</sup>

The coalition of RUPP and RPE was troubled from the outset, with personality clashes between the two parties common and the ideological differences putting a strain on the level of cooperation possible.<sup>81</sup> By the 1999 electoral campaign, the parties were completely at odds with one another, and RUPP and RPE ran separately, with only RUPP winning seats in parliament. The campaign highlighted the difficulties of Russophone parties in cooperating, as it took on an increasingly personal and aggressive tone as the election approached, and the two parties stooped to name-calling.<sup>82</sup> The differing ideological positions of RUPP and RPE represented another problem faced by Russophone parties, namely that the diverse Russophone population does not vote monolithically. These two parties failed to attract Russophones who were more compelled by the focus of mainstream parties on socio-economic issues over issues strictly pertaining to minority rights. While conflicting personalities and policies certainly had a role in the failure of a strong, single Russophone party to emerge, perhaps a more compelling reason is that Russophones began voting en masse for mainstream parties. The erosion of the support for RUPP and RPE, with neither party winning seats in the 2003 election, can be traced largely to the successful efforts by mainstream parties to attract the votes of Russophones.<sup>83</sup>

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<sup>80</sup> "Nationalising Policies and Integration Challenges," in *The Challenge of the Russian Minority: Emerging Multicultural Democracy in Estonia*, ed. Marju Lauristin and Mati Heidmets (Tartu, Estonia: Tartu University Press, 2002), 85; Järve, "Estonian Citizenship: Between Ethnic Preferences and Democratic Obligations," 56.

<sup>81</sup> Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 117, 23.

<sup>82</sup> *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 128.

<sup>83</sup> Budryte, *Taming Nationalism? : Political Community Building in the Post-Soviet Baltic States*, 76.

### 4.3.2 Mainstream parties

A few large political parties have attracted the vote of Russophones over the years, but the two central ones that scholars point out as gaining the most influence among Russophones are the Center Party and the Reform Party. By the standards of post-Soviet Baltic parties, both parties have a long history, having participated in every election since the 1995. The RP has traditionally adopted a laissez-faire economic policy, while the CP has been more supportive of leftist economic policies.<sup>84</sup> The RP has participated in numerous governing coalitions, and is currently the largest party in the country, having won thirty-three seats in the 2011 election. It leads the country in coalition with the nationalist Pro Patria party.<sup>85</sup> Though the RP may very well attract some of the Russophone vote, for the basis of my argument I focus on the CP as the political force best poised to enact change on matters of citizenship. Though the RP lists in its platform a fairly strong commitment to minority rights, this seems to rest largely on waiting for the Russophone minorities to take action themselves to improve their situation, and calls for the state to not alter the current citizenship law.<sup>86</sup> Most importantly though, the fact that the RP has been willing to govern in coalition with a nationalist Estonian party indicates that the party is not overtly concerned with altering the current status of the non-citizen population. Electoral results also indicate that the CP is the preferred party of Russophone voters. In the 2011 parliamentary election, the CP captured over 54% of the vote in Ida-Viru County, where Russians made up roughly 71% of the population in 2011 (a proportion that rises to 77% when including Ukrainians and Belarusians). By comparison, the RP garnered 12.5% of the vote. In the three

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<sup>84</sup> Allan Sikk, "From 'Sexy Men' to 'Socialists Gone Nuts': The European Union and Estonian Party Politics," in *The European Union and Party Politics in Central and Eastern Europe*, ed. Paul G. Lewis and Zdenka Mansfeldova (New York: Palgrave Macmillan, 2006), 41.

<sup>85</sup> Corinne Deloy, "Outgoing Prime Minister, Andrus Ansip, Easily Wins General Elections in Estonia," (Robert Schuman Foundation, March 3, 2011).

<sup>86</sup> Reformierakond, "National Minorities Policy," <http://www.reform.ee/en/national-minorities-policy>.

electoral districts that represent Tallinn, a city where Russophones were 41.5% of the population in 2011, the CP won roughly 33% of the vote while the RP attained 24%.<sup>87</sup>

As in Latvia, the political left in Estonia was largely absent in the early post-Soviet years, reeling from the tarnished legacy of the Communist Party of the Soviet period and the immense popularity of the restrictive citizenship policies promulgated by the early rightist parties.<sup>88</sup> When comparing Estonian politics to Latvian politics, one key difference is that though the political left has struggled in Estonia, it has had a more visible presence when compared to most of Latvia's post-Soviet elections. The Center Party currently holds twenty-one seats parliament and draws support from a large number of Russian speakers, and first ran in the 1995 election. It has been part of a few coalition governments in Estonia before, as detailed below, but its ability to influence government policy on citizenship issues has been limited by the fact that it has always been in coalition with center-right parties.

The Center Party was first part of an Estonian government following the 1995 election, but this government consisted of a large number of parties with varying platforms and headed by conflicting personalities. The government was weak from the start, and a Watergate-like surveillance scandal involving the head of the CP, Edgar Savisaar, lead to the ouster of the party from the government.<sup>89</sup> In the 1999 election, the CP managed to win the most seats, but was locked out of government by a center-right coalition of three parties (this included the

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<sup>87</sup> 2011 Population Census of Estonia, <http://pub.stat.ee/>; Riigikogu valimised 2011, Vabariigi Valimiskomisjon <http://www.vvk.ee/varasemad/?v=rk2011>.

<sup>88</sup> Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 110.

<sup>89</sup> *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 123.

aforementioned Reform Party).<sup>90</sup> In the next election, in 2003, the CP again fared well, tying with Res Publica for the most seats, a party with an ambiguous platform whose leader was unwilling to work with Savisaar.<sup>91</sup> Despite its strong performance, CP was kept out of government, with Res Publica electing to form a coalition with the Reform Party and the People's Union party.<sup>92</sup> The CP has performed well in both post-accession elections, in 2007 and in 2011, but has been continually locked out of government. Only briefly did they participate in a post-accession government, from the 2005 resignation of the then prime minister to the 2007 election, when they were in coalition with the Reform Party and the center-left People's Union.<sup>93</sup>

During this period in power, the CP supported a progressive income tax to support greater social spending, which ran against the flat-tax supported by the RP. With the economy booming, these differences did not threaten the coalition, and the parties found a compromise by lowering taxes and raising pensions.<sup>94</sup> However, it appears that the economic policy differences were serving to drive a wedge between the parties by 2007, as they campaigned bitterly against each other in the run-up to the election. The RP criticized the leftist economic policies of the CP,

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<sup>90</sup> *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 128.

<sup>91</sup> *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences and Identities in Estonia and Latvia*, 134.

<sup>92</sup> "Estonia: Parliamentary Elections Riigikogu, 2003," *Inter-Parliamentary Union*, March 2, 2003, [http://www.ipu.org/parline-e/reports/arc/2105\\_03.htm](http://www.ipu.org/parline-e/reports/arc/2105_03.htm).

<sup>93</sup> Mihkel Solvak and Vello Pettai, "The Parliamentary Elections in Estonia, March 2007," *Electoral Studies* 27, no. 3 (2008): 575; "Prime Minister Wins Estonian Poll," *BBC News Online*, March 5, 2007, <http://news.bbc.co.uk/2/hi/6416591.stm>.

<sup>94</sup> "The Parliamentary Elections in Estonia, March 2007," 575.

which called for greater state spending.<sup>95</sup> Of lesser importance in the campaign was the issue of moving of a World War II monument to fallen Red Army soldiers, the Bronze Soldier statue, in Tallinn. Prime Minister Andrus Ansip of the RP took an assertive stance on moving the statue, in a move that observers saw as attempting to appeal to nationalist voters.<sup>96</sup>

After forming a government with the nationalist Pro Patria party and the Social Democrats (who left the coalition two years later due to policy differences), Ansip kept his electoral promise, and set plans in motion to move the statue.<sup>97</sup> The central location of the Bronze Soldier had become a minor flashpoint in the government's relations with Russophones, as a minority were adamantly opposed to the relocation of the statue. On April 26, the statue was covered by a tarp and cornered off so that archeologists could determine how many bodies lay beneath the monument. The government did not announce this action, and a mostly Russian crowd of over a thousand gathered at the monument, fearing it was to be moved. After the arrival of riot police to disperse the crowd, the rowdy group entered central Tallinn and began rioting. The government made a snap decision to move the monument, and the mainly Russian youth rioted for a second day until the security forces brought the situation under control on the third night.<sup>98</sup>

I do not intend to dwell on the controversy surrounding the Bronze Soldier relocation, as such a study is a potential thesis topic on its own. Rather, I present the government's activities in the matter as supporting my argument that the Reform Party is not in a position to begin a new

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<sup>95</sup> "Estonian Election Gives Prime Minister Options," *DW*, March 5, 2007, <http://www.dw.de/estonian-election-gives-prime-minister-new-options/a-2373335-1>.

<sup>96</sup> "The Parliamentary Elections in Estonia, March 2007."

<sup>97</sup> "Mikser: No Three-Party Coalition in Sight," *ERR*, February 20, 2014, <http://news.err.ee/v/politics/0e5d8e48-1e23-4236-8029-dfa31c25ad05>; "The Parliamentary Elections in Estonia, March 2007."

<sup>98</sup> Karsten Bruggemann and Andres Kasekamp, "The Politics of History and the "War of Monuments" in Estonia," *Nationalities Papers* 36, no. 3 (2008): 435-36.

initiative on reducing the stateless population. Ansip handled the monument crisis poorly, setting things in motion to move the statue seemingly without consultation with any major Russophone organizations or politicians. Of greater importance was his electoral promise to move the statue. Whereas the CP under Savisaar has made a concerted effort to appeal to the Russophone population, the RP under Ansip seems to have been more interested in shoring up support among ethnic Estonians.

The most recent data of the Chapel Hill Expert Survey also supports the argument that the CP is currently the party in the best position to initiate a rethinking of the country's citizenship law. In the 2010 Chapel Hill expert survey (raw data), the CP's stance on minority issues was rated at 3.2 on a scale of zero to ten, with zero representing strong support for ethnic minorities. By comparison, RP was rated at 6, and the nationalist Pro Patria party, which is currently in government, received a 7.7.<sup>99</sup>

The Center Party may be better poised to restart the process of actively liberalizing the naturalization regime, but the party faces a number of obstacles of its own. One is, arguably, Savisaar himself. Though he remains popular among Russophones, Estonian politicians seem to be wary of him. In 2010, President Toomas Ilves asserted he would veto any attempt of the Center Party to enter government following the revelation that Savisaar had asked for financial backing from the president of Russian Railways in order to fund the construction of a Russian Orthodox church. This scandal broke just months before the 2011 election, and Savisaar's party was likely hurt by it, with CP's share of the vote sliding three percent, resulting in the loss of

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<sup>99</sup> Ryan Bakker, Catherine de Vries, Erica Edwards, Liesbet Hooghe, Seth Jolly, Gary Marks, Jonathan Polk, Jan Rovny, Marco Steenbergen, Milada Vachudova (2012), "Measuring Party Positions in Europe: The Chapel Hill Expert Survey Trend File, 1999-2010," *Party Politics*: forthcoming.



three seats in parliament.<sup>100</sup> Three years later, in the midst of the Crimea crisis developing in Ukraine, Savisaar again found himself at the center of controversy, facing a no-confidence vote in the Tallinn City Council, where he serves as mayor of the city. The Reform Party brought the vote against Savisaar following his March 2014 comments criticizing the new authorities in Kiev, which aroused controversy. The vote failed, as the RP is outnumbered in the City Council, but the controversy again shows how divisive a figure Savisaar is. In addition to the vote, a number of CP parliamentarians have distanced themselves from Savisaar in the wake of his comments.<sup>101</sup>

Similar to Harmony Center in Latvia, the CP must also not alienate its ethnic Estonian supporters in order to remain politically relevant. CP is currently the largest party of a leftist orientation in Estonia, and barring a collapse of support due to Savisaar's controversial statements on Ukraine, the party is likely to continue to receive the support of ethnic Estonians who are more inclined to support leftist economic policies. Taking drastic action to liberalize the naturalization regime may lead some ethnic Estonians to question their support for the party. The party's ability to drastically change Tallinn's outlook on minority rights is further complicated by the current political situation in Estonia, where the CP's only opportunity to enter government would be to ally with the Reform Party. As I argued above, the RP appears to be moving closer to a nationalist orientation on minority issues, and at any rate, the RP is particularly opposed to the CP as led by Savisaar.

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<sup>100</sup> Ellen Barry, "After Cuts, Voters Back Ruling Bloc in Estonia," *The New York Times*, March 6, 2011, <http://www.nytimes.com/2011/03/07/world/europe/07estonia.html>; Ott Ummelas, "Estonia President Says He Won't Let Center Party into Government," *Bloomberg*, December 28, 2010, <http://www.bloomberg.com/news/2010-12-28/estonia-president-says-he-won-t-let-center-party-into-government.html>.

<sup>101</sup> "No Confidence Vote against Savisaar Fails, 2nd Vote in Cards," *ERR*, March 26, 2014, <http://news.err.ee/v/politics/5c2b6efb-34a6-4101-a05c-a2a651a7c791>.

## 4.4 Conclusion

In this chapter, I argued that Estonia still possesses a high number of non-citizens because post-accession governments have felt little need to take a more proactive response in reducing the number of stateless residents. In the absence of the external institutional pressure of the EU accession process, in particular EU conditionality, the non-citizen population no longer has what was their most influential lobbyist pressing for their rights in Tallinn. The pressure applied by the EU and its institutional partners was able to secure important legal changes during the accession process, but the manner in which these changes were obtained indicated at an early stage that elites were persuaded to action only by the threat of non-accession. We see in the post-accession period the failure, however inevitable, of EU conditionality to impart on the governing politicians in Tallinn the need to continue to undertake activities to lower the non-citizen population. This meant that in the absence of external pressure, change would need to come from Tallinn itself. However, the struggle of political parties amenable to the situation of statelessness, and the Center Party in particular, to influence decision making in the post-accession period has meant that this impetus for action has not come from the policy-making organs of Estonian society.

## 5. Conclusion

In recent years, naturalization rates in Latvia and Estonia have slowed to a crawl, averaging only a couple thousand new citizens per year.<sup>102</sup> This is in spite of the improved legal framework for naturalization that institutional pressure was able to achieve. If naturalization continues at the current rate, or even declines, it will take many decades before the entire non-citizen population is naturalized in each country. As I have argued in this paper, however, the government in either country seems to be unconcerned with such a scenario. In the absence of the institutional pressure that encouraged politicians to take an assertive approach in liberalizing citizenship laws, the impetus for legislating change has now fallen almost exclusively on Tallinn and Riga. With successive post-accession governments lacking the participation of parties that could reignite the debate on citizenship and press for liberalization, Estonia and Latvia have effectively been able to ignore the still substantial non-citizen residents.

The response of those opposed to liberalization of current citizenship laws tends to rest on an argument that the onus for receiving citizenship falls to non-citizens, and that what they believe are the necessary laws and legislation for naturalization are currently in place. It is true that the decline in naturalization has been due primarily to a lack of applications being submitted by the non-citizen population. However, this situation cannot be summed up merely as one of the non-citizens simply not wanting citizenship. In recent years, increasing numbers of Russophones in Latvia have failed to pass the language and history tests required to gain

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<sup>102</sup> Office of Citizenship and Migration Affairs (Latvia), <http://www.pmlp.gov.lv/>; Ministry of the Interior, <http://estonia.eu/about-estonia/society/citizenship.html>

citizenship.<sup>103</sup> This situation represents just one area where the state could step in to reevaluate existing naturalization laws.

Another reason given for the low interest of non-citizens in applying for citizenship is a long-standing feeling of distrust and disappointment with the state due to not being granted citizenship automatically at independence.<sup>104</sup> One Russophone non-citizen in Riga, speaking to a BBC reporter in 2014, defended his refusal to take the citizenship test on the basis that he should be granted citizenship from the country he has spent his entire life in.<sup>105</sup> This feeling of alienation is representative of a failure on the part of the domestic authorities to integrate their Russophone populations, which is something that the governments can begin to tackle by taking a fresh approach to citizenship legislation. Such an action as granting citizenship to the remaining stateless residents would surely increase the Russophone populations' trust in government, and would represent the most significant attempt at integrating the Russophone minorities since independence.

Alas, such a scenario is unlikely, as my argument provides evidence of. Even with the rise of Harmony Center in Latvia, where the political situation appears most optimistic for Russophone rights, the party will surely be kept out of government by a continued coalition of center-right and nationalist forces. The Center Party in Estonia, meanwhile, is hampered by a controversial leader with whom few other parties are willing to work with. With political parties

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<sup>103</sup> Kristīne Krūma, "Checks and Balances in Latvian Nationality Policies: National Agendas and International Frameworks," in *Citizenship Policies in the New Europe*, ed. Rainer Bauböck, Bernhard Perchinig, and Wiebke Sievers (Amsterdam: Amsterdam University Press, 2009), 79; Ilze Brands Kehris, "Citizenship, Participation and Representation," in *How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges*, ed. Nils Muižnieks (Riga: University of Latvia Press, 2010), 102.

<sup>104</sup> Krūma, "Checks and Balances in Latvian Nationality Policies: National Agendas and International Frameworks," 70.

<sup>105</sup> Damien McGuinness, "Crimea Crisis Sharpens Latvia Ethnic Tensions," *BBC News Online*, March 26, 2014, <http://www.bbc.com/news/world-africa-26720549>.

seemingly unable to bring about change on citizenship laws, are there other domestic actors to fill the void? The most logical source of a domestic impetus for action would come from civil society, but in the area of minority rights civil society has been slow to develop in Estonia and Latvia, partly a symptom of the lack of political mobilization among Russophones.<sup>106</sup> Writing about social learning in the sphere of gay-rights in Poland, Conor O'Dwyer notes that the gay-rights movement there was compelled to action after the government cracked down on gay-rights directly following EU accession.<sup>107</sup> Such a situation has not occurred in the area of minority rights in Estonia and Latvia, where the mutual lack of progress on reducing the stateless population has not resulted in a societal backlash. One exception is the 2012 referendum in Latvia to make Russian an official language, which represented growing dissatisfaction among Russophones with the current state of minority rights in Latvia. However, Latvians voted en masse against the referendum, with 75% voting to reject it. The results of the referendum are indicative of the argument that Latvian society did not internalize a concern for Russophone rights, as is the fact that the amendment was initiated entirely by a Russian organization.<sup>108</sup>

The situation of persistent statelessness that exists in Estonia and Latvia may seem like a muted issue, with no major outbursts of protest or violence by the non-citizen populations. However, contemporary events have shown that discontented Russian-speaking populations beyond the borders of Russia can lead to a political crisis between Moscow and its neighbors.

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<sup>106</sup> Ivars Ijabs, "Russians and Civil Society," in *Latvian-Russian Relations: Domestic and International Dimensions*, ed. Nils Muižnieks (Riga: University of Latvia Press, 2006), 74. "Estonia Overview," Minority Rights Group International, <http://www.minorityrights.org/?lid=2443#current>.

<sup>107</sup> O'Dwyer, "Does the EU Help or Hinder Gay-Rights Movements in Post-Communist Europe? The Case of Poland," 344.

<sup>108</sup> David M. Herszenhorn, "Latvians Reject Russian as Second Language," *The New York Times*, February 19, 2012, <http://www.nytimes.com/2012/02/20/world/europe/latvia-rejects-bid-to-adopt-russian-as-second-language.html>; "Latvians Reject Russian as Official Language," *The Guardian*, February 18, 2012, <http://www.theguardian.com/world/2012/feb/19/latvians-reject-russian-official-language>; "Latvia Rejects Making Russian an Official Language," *BBC News Online*, February 18, 2012, <http://www.bbc.com/news/world-europe-17083397>.

The Russian annexation of Crimea in early 2014 has refocused global attention on the Russophone minorities in Estonia and Latvia, where many still feel alienated from the state.<sup>109</sup> If nothing else, the crisis in Ukraine should be a potent reminder to Riga and Tallinn that the stagnating process of naturalization deserves a renewed approach, and this largely Russian-speaking population should not be cast off and forgotten.

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<sup>109</sup> Colin Freeman, "Ukraine Crisis Stirs Unease in Latvia's 'Crimea'," *The Daily Telegraph*, March 16, 2014, <http://www.telegraph.co.uk/news/worldnews/europe/latvia/10700150/Latvian-bar-bans-patrons-from-ordering-in-Russian.html>.

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